

**REMARKS**

Claims 1-15, 30-44, 59-73, 88, 90 and 92 are currently pending in this application. Claims 1, 30, 59, 88, 90 and 92 are independent. The Specification has been amended to correct the typographical and grammatical errors identified by the Examiner. As requested by the Examiner, the specification has been carefully reviewed for any additional errors, and no errors have been found. The title, Figure 1B and claims 12, 38, 41, 67 and 70 have been amended consistent with the Examiners' suggestions. No new matter has been added by way of these amendments. Applicants respectfully request reconsideration in view of the above amendments and the following remarks.

1. The drawings were objected to because the rightmost block in Figure 1B was incorrectly labeled "120" instead of "130". A new corrected Figure 1B is being submitted along with this Amendment and Response, in a Transmittal Of Corrected Drawing, in which the rightmost block is labeled as "130". Applicants respectfully request withdrawal of this objection.
2. The specification has been amended to correct the errors noted by the Examiner in paragraphs 5 and 6 of the Official Action.
3. The Examiner indicated in paragraph 7 of the Official Action that "the title of the invention is not descriptive" and a new title was required. The Applicants appreciate the

Examiner's assistance in providing a suggested title, however the Applicants believe the Examiner's proposed title does not address the image generation aspect of the invention. The Applicants respectfully submit that the title as amended herein is consistent with the Examiner's proposed amendment, but further reflects that the invention can include generation of both audio and image components of multimedia attachments. Applicants respectfully request withdrawal of this objection.

4. The Applicants respectfully disagree with the Examiner's remarks in paragraph 8 of the Official Action regarding the terminology "speech movement image". The specification teaches "speech movement image feature" selection and generation that includes more than just a moving mouth. The specification teaches the combination of an audio component with a dynamic image component, which can be a face. Specification at page 20, lines 10-14. Movement of an image feature in correspondence with speech is achieved with "an algorithm or set of algorithms to make minute changes to an image . . . until the collection of images together form the frames of animation to look like a speaking face." Specification at page 20, lines 19-22. The speech movement image features can include the shape of the eyes, mouth or face itself. The specification teaches the generation of "mouth shape frames" and "eye blink frames" that correspond to message vowel and consonant. Specification at page 20, lines 15-19. For example, the speech movement image feature associated with particular text might be the blinking of an eye or nodding of the head. Specification at page 21, lines 2-4.

Amendment/Response dated December 8, 2003

In response to the Office Action dated July 7, 2003

5. The Applicants respectfully disagree with the Examiner's remarks in paragraph 8 of the Official Action regarding the term "varying". The Applicants believe the term "varying" is in fact supported by the original specification, including the original claims as filed. However, in order to expedite the prosecution of this application, claims 12, 41 and 70 have been amended to replace the term "varying" with its synonym "changing" as this is the more frequently used term throughout the specification. *See, e.g.*, Specification at page 12, lines 2-9; page 14, line 15 to page 15, line 7 and page 20, lines 19-22. The Applicants believe this amendment is not a narrowing amendment but rather simply a clarification.

6. In response to the Examiner's remarks in paragraph 9 of the Official Action regarding claims 38 and 67, claim 38 has been amended to reflect its correct dependency on claim 32 and claim 67 has been amended to reflect its correct dependency on claim 61.

7. All the pending claims, that is claims 1-15, 30-44, 59-73, 88, 90 and 92, have been rejected under 35 U.S.C. § 103(a) as being unpatentable.

Claims 1-5, 30-34 and 59-63 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.<sup>383</sup> (U.S. Patent 5,568,383) in view of Johnson et al.<sup>910</sup> (U.S. Patent 5,434,910) and further in view of Cosatto et al. (U.S. Patent 6,112,177).

Claims 6-9, 35-38 and 64-67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup> and further in view of Cosatto et al. and further in view of Lee et al. (U.S. Patent 6,088,673).

Amendment/Response dated December 8, 2003

In response to the Office Action dated July 7, 2003

Claims 10, 39 and 68 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup> and further in view of Cosatto et al.

Claims 11-12, 40-41 and 69-70 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup> and further in view of Cosatto et al. and further in view of Lee et al.

Claims 13, 42 and 71 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup> and further in view of Cosatto et al. and further in view of Lee et al. and further in view of Kirksey et al. (U.S. Patent 5,938,447A).

Claims 14-15, 43-44 and 72-73 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup> and further in view of Cosatto et al. and further in view of Lee et al. and further in view of Kirksey et al. and further in view of Skelly (U.S. Patent 6,064,383).

Claims 88, 90 and 92 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup> and further in view of Cosatto et al. and further in view of Lee et al.

Independent claims 1, 30 and 59 each recites, *inter alia*, "creating one or more multimedia components associated with said message, wherein said multimedia component represents a likeness of a sender." Applicants respectfully submit that neither Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup>, nor Cosatto et al., either alone or in combination, teaches or suggests

creating a multimedia component that is representative of the likeness of the sender of a multi-mail message.

The Office Action concedes, “Johnson et al.<sup>383</sup> does not specifically mention using these capabilities to embellish mailed documents with an avatar in the form of a likeness of a sender.” (*See*, Office Action, page 7 ¶14.)

Similarly, Applicants submit that the Cosatto et al. patent does not teach or suggest anything that remedies this deficiency with regard to Johnson et al.<sup>383</sup> The Office Action indicates these elements are disclosed in Cosatto et al. in Columns 10 through 13 (sic [12]). However, the cited passage merely discloses the generation of an animated sequence that results in a “talking head” that tracks a sender’s message text. (*See*, Col. 10, lines 21-26 and lines 56-62). In the passage, Cosatto et al. teaches the use of a coarticulation library to associate text with particular stored phoneme sequences. The processor concatenates frames and associated sounds together to form an animated sequence based on sample subjects such as humans, animals, insects and inanimate objects. (*See*, Col. 10, lines 54-65). With respect to the generation of a human talking head, Cosatto et al. only discloses the generation of a photorealistic talking head based on previously recorded samples of a subject human, not the actual sender of the text message. (*See*, Col. 5, lines 46-67). That is, the movements and speech generated for the talking head in the Cosatto et al. system are not those of the sender or representative of the likeness of the sender. Accordingly, Applicants respectfully submit that neither Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup>, which the Office Action concedes are silent in this regard, nor Cosatto et al.’s coarticulation method teach or suggest the creation of a multimedia component that is

representative of the likeness of the sender of a multi-mail message as recited in independent claims 1, 30 and 59. For at least this reason, Applicants submit that independent claims 1, 30 and 59 are patentably distinct from Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup> and further in view of Cosatto et al. .

Moreover, Applicants respectfully submit the Examiner has failed to make the requisite showing of a motivation in the prior art to make the modification and combination of Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup> and further in view of Cosatto et al., as suggested by the Examiner. *See* M.P.E.P. §1243.01. Therefore, Applicants respectfully request withdrawal of this ground of rejection.

Independent claims 88, 90 and 92 each recites, *inter alia*, “code to create one or more multimedia components associated with said message, wherein said multimedia component represents a likeness of a sender.” Applicants respectfully submit that neither Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup>, Cosatto et al., nor Lee et al. either alone or in combination, teaches or suggests code to create a multimedia component that is representative of the likeness of the sender of a multi-mail message.

The Office Action concedes, “[r]egarding claims 88, 90 and 92, Johnson et al.<sup>(s)</sup> are silent on the matter of code.” (*See*, Office Action, page 17 ¶36.). In addition, the Office Action concedes, “Johnson et al.<sup>383</sup> does not specifically mention using these capabilities to embellish mailed documents with an avatar in the form of a likeness of a sender.” (*See*, Office Action, pages 7 ¶14 and 18 ¶36.)

The Office Action states that "Lee et al. (in tables 1 and 2, columns 3-5) provides at least a pseudocode that will prepare a Multi-Mail message." (*See*, Office Action, page 17 ¶36). According to Lee et al., "Table 1 and 2 are algorithms illustrating the state of organized multimedia input information, which consists of text, prosody, the information on synchronization with moving picture, lip-shape, and individual property information." Lee et al., column 3, lines 51-54. Applicants respectfully submit that the "pseudocode" cited by the Examiner in the Lee et al. patent does not teach or suggest, as recited in independent claims 88, 90 and 92, the use of code to create a multimedia component with a representative likeness of the sender.

As discussed above, Applicants submit that the Cosatto et al. patent does not teach or suggest, by code or otherwise, the creation of a multimedia component that is representative of the likeness of the sender of a multi-mail message. The processor concatenates frames and associated sounds together to form an animated sequence based on sample subjects such as humans, animals, insects and inanimate objects. (*See*, Col. 10, lines 54-65). Even with respect to the generation of a human talking head, the movements and speech generated are not those of the sender or representative of the likeness of the sender. Accordingly, Applicants respectfully submit that neither Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup>, which the Office Action concedes are silent in this regard, Cosatto et al., nor Lee et al. teach or suggest code to create a multimedia component that is representative of the likeness of the sender of a multi-mail message as recited in independent claims 88, 90 and 92. For at least this reason, Applicants

Amendment/Response dated December 8, 2003

In response to the Office Action dated July 7, 2003

submit that independent claims 88, 90 and 92 are patentably distinct from Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup> and further in view of Cosatto et al. and further in view of Lee et al.

Moreover, Applicants respectfully submit the Examiner has failed to make the requisite showing of a motivation in the prior art to make the modification and combination of Johnson et al.<sup>383</sup> in view of Johnson et al.<sup>910</sup> and further in view of Cosatto et al. and further in view of Lee et al., as suggested by the Examiner. *See* M.P.E.P. §1243.01. Therefore, Applicants respectfully request withdrawal of this ground of rejection.

Applicants respectfully submit that independent claims 1, 30, 59, 88, 90, and 92 are distinguishable over the cited art, and therefore allowable. In addition, Applicants respectfully submit that the dependent claims which depend from these independent claims, directly or indirectly, are also allowable over the cited art for the at least the same reasons as described above and because of the further features they define. As such, Applicants have not individually addressed the rejection of these dependent claims but reserve the right to do so should it be necessary.

Reconsideration and withdrawal of the rejection of claims 1-15, 30-44, 59-73, 88, 90 and 92 under §103(a) is respectfully requested.



Serial No. 09/709,659  
Amendment/Response dated December 8, 2003  
In response to the Office Action dated July 7, 2003

Docket No. 4056-4000

**CONCLUSION**

For these reasons, it is believed that all of the claims as presently presented, are patentable, and that this application is now in allowable condition.

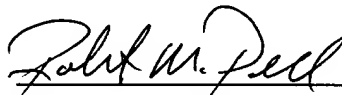
While Applicants believe the petitioned extension of time to be sufficient, should an additional extension of time be required to render this filing timely, such extension is hereby petitioned. The Commissioner is hereby authorized to charge any additional fees which may be due, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4056-4000. A

**DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: December 8, 2003

By:

  
Robert M. Pollaro  
Registration No. 45,019

Correspondence Address:  
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(212) 758-4800 Telephone  
(212) 751-6849 Facsimile